

REMARKS/ARGUMENTSClaim changes and support

Claims 1 and 35 have been amended to clarify the invention. Support for the amendment may be found in the last paragraph of page 9 of the specification as filed.

Claim 47 has been cancelled.

Rejection of claims under 35 U.S.C § 112, second paragraph

Claim 47 has been cancelled. Therefore, Applicant requests the Examiner to withdraw the rejection of claim 47 under 35 U.S.C § 112, second paragraph.

Rejection of claims 1-2, 4, 6-7, 13-14, and 47 under 35 U.S.C § 102(b) as being anticipated by WO 91/04918 (Pokluka)

Applicant has amended the claims to clarify the invention. Applicant therefore respectfully requests reconsideration of the rejection of claims 1-2, 4, 6-7, 13-14, and 47 under 35 U.S.C § 102(b) as being anticipated by Pokluka as herein amended.

Claim 1 includes the following limitations:

A method of forming a bag, the method including:

- a) providing an elongate tubular member having opposed ends, at least one end of which defines an open mouth;
- b) folding opposed portions of the tubular member to extend at least partially across the mouth;
- c) positioning a panel to extend across the opposed portions; and
- d) securing the panel and the opposed portions together thereby to form a base of the bag to close the mouth at the at least one end of the tubular member.

(Claim 1, labeled and underlined for ease of reference and emphasis, respectively)

Arguments for claim 1 in view of Poklukur

Applicant has carefully reviewed the subject application and the cited art i.e. Poklukur and has amended the independent claim 1 to clarify the invention. The Office Action specifically refers to bridge member 114 of Poklukur as describing and being analogous to Applicant's panel. Applicant respectfully states that Applicant's panel forms the base of the bag (as recited in the amended independent claim 1) whereas Poklukur's bridge member 114 is a part of the handle 10. Therefore, Applicant requests the Examiner to withdraw the rejection.

Therefore, Poklukur does not disclose the limitations of independent claim 1, as argued above.

Dependent claims 2, 4, 6-7, 13-14 depend from, and include all the limitations of independent claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 2, 4, 6-7, 13-14 and requests withdrawal of the rejection.

Rejection of claims 3 and 5 under 35 U.S.C § 103(a) as being unpatentable over WO 91/04918 (Poklukur) in view of US patent no. 4877337 (Wood)

Dependent claims 3 and 5 depend from, and include all the limitations of independent claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 3 and 5 and requests withdrawal of the rejection.

Rejection of claims 8-12, 15-19, and 35-40 under 35 U.S.C § 103(a) as being unpatentable over WO 91/04918 (Poklukur) in view of US patent no. 4691368 (Rossiger)

Dependent claims 8-12 and 15-19 depend from, and include all the limitations of independent claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 8-12 and 15-19 and requests withdrawal of the rejection.

Independent claim 35 includes limitations similar in scope to the limitations of claim 1, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of independent claim 35 and requests withdrawal of the rejection.

Dependent claims 36-40 depend from, and include all the limitations of independent claim 35, which is shown to be allowable for the reasons given above. Therefore, Applicant respectfully requests the reconsideration of dependent claims 36-40 and requests withdrawal of the rejection.

Arguments for claim 1 in view of Schneider (cited in IDS by the Applicant)

Schneider also fails to disclose a panel which forms a base of the bag (as recited in Applicant's amended independent claim 1).

Conclusion

Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Such action is earnestly solicited by the Applicant. Should the Examiner have any questions, comments, or suggestions, the Examiner is invited to contact the Applicant's attorney or agent at the telephone number indicated below.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 503437.

Respectfully submitted,
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AMENDMENT AND RESPONSE

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